

ONE HUNDRED TENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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March 12, 2007

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Madam Secretary:

Since 2003, I have written 16 letters to you, either in your capacity as National Security Advisor or Secretary of State. According to Committee records, you have satisfactorily responded to only five of those 16 letters. Those five were co-signed by Republicans. Under the Bush Administration, several agencies followed a policy of not responding to minority party requests. Although I do not agree with this policy, I presume that you were also following it when you decided not to respond to my requests for information.

I am now renewing my requests as the chairman of the chief oversight committee in the U.S. House of Representatives.

My inquiries cover vital issues within the Committee's oversight jurisdiction, including your role in the President's false assertion that Iraq was seeking uranium from Niger. For your convenience, I have enclosed copies of the letters to which the Committee seeks your responses.

The Fabricated Niger Claim

Since 2003, I have been asking why President Bush and other top Administration officials used fabricated intelligence about Iraq's efforts to obtain uranium from Niger to justify launching the Iraq war. I first wrote to the President about this matter on March 17, 2003, two days before the start of the Iraq war. In my letter, I asked why the President had included the bogus Niger claim in his January 28, 2003, State of the Union address, the most heavily vetted speech a president makes. I wrote:

In the last ten days ... it has become incontrovertibly clear that a key piece of evidence you and other Administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. What's more, the Central Intelligence Agency questioned the

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veracity of the evidence at the same time you and other Administration officials were citing it in public statements. This is a breach of the highest order, and the American people are entitled to know how it happened.¹

To this day, however, I have not received an adequate explanation to my question. The President did not respond to my letter, nor did you respond to multiple letters I sent you about this matter.

Soon after the bogus Niger claim was exposed by the International Atomic Energy Agency, you appeared on national television and claimed that you were never informed of any doubts about the allegation. On *Meet the Press* on June 8, 2003, you made the following statement:

We did not know at the time — no one knew at the time, in our circles — maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery.²

Similarly, when you appeared on *This Week*, you repeated this statement, claiming that you made multiple inquiries of the intelligence agencies regarding the allegation that Iraq sought uranium from Africa. You stated:

George, somebody, somebody down may have known. But I will tell you that when this issue was raised with the intelligence community ... the intelligence community did not know at that time, or at levels that got to us, that this, that there were serious questions about this report.³

After you made these assertions, I wrote to you on June 10, 2003, asking for specific information to support your claims, including the identity of any individuals in the Administration who had expressed doubts about the validity of the evidence or who were made aware of any doubts, as well as other information.⁴ You did not respond.

¹ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to President George W. Bush (Mar. 17, 2003).

² *Meet the Press*, NBC News (June 8, 2003).

³ *This Week with George Stephanopoulos*, ABC News (June 8, 2003).

⁴ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to Condoleezza Rice, Assistant to the President for National Security Affairs (June 10, 2003).

In the weeks that followed, you and President Bush continued to claim that you had never heard any doubts about the Niger claim prior to the President's State of the Union address. On July 13, 2003, for example, you made this statement on *Face the Nation*:

[H]ad there been even a peep that the agency did not want that sentence in or that George Tenet did not want that sentence in ... it would have been gone.⁵

The next day, President Bush made a similar assertion. At a press briefing on July 14, 2003, the President stated: "Subsequent to the speech, the CIA had some doubts. But when they talked about the speech and when they looked at the speech, it was cleared."⁶

It was subsequently revealed, however, that the CIA had sent a memo directly to you and your deputy at the time, Stephen Hadley, raising doubts about the Niger claim months before the President's State of the Union address. According to Mr. Hadley, the CIA sent a memo directly to the White House Situation Room addressed to you and him on October 6, 2002, that described "weakness in the evidence" and that stated "the CIA had been telling Congress that the Africa story was one of two issues where we differed with the British intelligence."⁷ Mr. Hadley also reported that the CIA sent a second memo to him a day earlier, and that George Tenet, the Director of Central Intelligence, personally telephoned him to ask that the reference be removed from a speech the President delivered in October 2002.

Because these revelations directly contradicted your previous public statements, I wrote to you again, on July 29, 2003, seeking an explanation.⁸ I requested copies of numerous documents, including the CIA memo addressed to you and Mr. Hadley. I also sought information about what kind of investigation you initiated after you learned that the Niger documents were forgeries, and I asked what role you and your staff played in drafting the National Intelligence Estimate submitted to Congress on this issue. Again, you did not respond.

As a result of your failure to respond, the Committee still does not know what you knew about the fabricated Niger claim and when you knew it. We also do not know how the fabricated claim made it into the President's State of the Union address. We continue to learn in a piecemeal fashion about other explicit warnings received by White House officials about this bogus claim. According to one recent press account, for example, CIA briefer Craig R. Schmall

⁵ *Face the Nation*, CBS News (July 13, 2003).

⁶ *President Defends Allegation on Iraq*, Washington Post (July 15, 2003).

⁷ *Dan Bartlett and Steve Hadley Hold Press Briefing on Iraq Weapons of Mass Destruction and the State of the Union Speech*, FDCH Political Transcripts (July 22, 2003).

⁸ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to Condoleezza Rice, Assistant to the President for National Security Affairs (July 29, 2003).

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wrote a memo to Eric Edelman, Vice President Cheney's national security advisor, warning that the "CIA on several occasions has cautioned ... that available information on this issue was fragmentary and unconfirmed."⁹ Yet we still do not know who at the White House kept resuscitating this claim after intelligence officials questioned its veracity.

I respectfully request a complete reply to my questions and document requests relating to the fabricated Niger claim by March 23, 2007.

Other Requests

In addition to the requests summarized above, I have written to you on several other occasions without receiving a reply. Four of these inquiries are the following:

White House Treatment of Classified Information: On January 12, 2004, one day after former Treasury Secretary Paul O'Neill made negative comments about the Bush Administration on *60 Minutes*, the Administration publicly announced it was investigating whether he inappropriately disclosed classified documents.¹⁰ On June 20, 2002, an "irate" Vice President Cheney reportedly told congressional leaders that the President had "deep concerns" about media accounts that the National Security Agency had intercepts from September 10, 2001, with cryptic references to possible attacks the next day.¹¹ In contrast, months passed before any investigation was initiated into the disclosure of the identity of a covert CIA agent.¹² And the White House took no action when Bob Woodward revealed in his book *Bush at War* that he obtained access to classified notes from more than 50 National Security Council meetings.¹³ On January 14, 2004, I wrote to you as the highest ranking White House official responsible for security matters seeking answers to specific questions about how the White House handled each of these cases.¹⁴ I did not receive any response to this request.

⁹ *A Failed Cover-Up*, Washington Post (Feb. 2, 2007).

¹⁰ *O'Neill Says He Didn't Take U.S. Treasury Documents*, Reuters (Jan. 13, 2004).

¹¹ *White House Angered by Leaks on Intelligence*, Los Angeles Times (June 21, 2002).

¹² *See Mission to Niger*, Chicago Sun-Times (July 14, 2003); White House, *Press Briefing by Scott McClellan* (July 22, 2003); White House, *Press Briefing by Scott McClellan* (July 23, 2003); *Agent's Disclosure Investigated; CIA Has Requested Probe to See if Name Was Illegally Revealed*, Newsday (Sept. 28, 2003).

¹³ Bob Woodward, *Bush at War*, xi-xii (2002).

¹⁴ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to Condoleezza Rice, Assistant to the President for National Security Affairs (Jan. 14, 2004).

Appointment of Official Under Investigation: Richard Jones served as Ambassador to Kuwait and as Ambassador Paul Bremer's deputy at the Coalition Provisional Authority in 2003 and 2004. During that time, he intervened on behalf of an obscure Kuwaiti company that was overcharging U.S. taxpayers and the Iraqi people to import gasoline into Iraq.¹⁵ The involvement of embassy officials in this matter triggered a federal criminal investigation.¹⁶ Nevertheless, you appointed Ambassador Jones to a new position of "special coordinator" for Iraq.¹⁷ On February 17, 2005, I wrote to you seeking the results of the investigation regarding this issue or, if the investigation were not concluded, an explanation of why you appointed Ambassador Jones to this position while a criminal investigation remained ongoing.¹⁸ I did not receive any response to this request.

Political Considerations Affecting International Delegations: In April 2005, *Time* magazine reported that the White House refused to allow several technical experts to join a U.S. delegation to a telecommunications conference.¹⁹ *Time* also reported that the White House confirmed that these experts were excluded for political reasons. On August 1, 2005, I wrote to you expressing concern about whether the Administration was screening potential technical delegates to international conferences based solely on political affiliation. I sought information about the number of international conference delegations to which the State Department included nongovernmental representatives, as well as instances in which the White House rejected delegates proposed by the State Department.²⁰ I did not receive any response to this request.

Needle Exchange Programs to Battle Blood-Borne Diseases: In March 2005, the United Nations Commission on Narcotic Drugs convened its 48th Session in Vienna, Austria. A major topic to be discussed was the importance of needle exchange programs to prevent the spread of blood-borne diseases, including HIV/AIDS. On March 2, the

¹⁵ See, e.g., E-mail from Ambassador Richard A. Jones to CPA Officials (Dec. 2, 2003) (directing officials to "tell KBR to get off their butts and conclude deals with Kuwait NOW! Tell them we want a deal done with al-Tanmia within 24 hours and don't take any excuses").

¹⁶ *E-Mail Muddies Probe of KBR*, Houston Chronicle (Nov. 11, 2004) ("The State Department's Inspector General's Office launched an investigation into the embassy staff's behavior earlier this year. The Justice Department was also brought in to investigate the alleged fuel overcharges").

¹⁷ *Rice Moves to Name Senior Advisers*, Boston Globe (Feb. 17, 2005).

¹⁸ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to Condoleezza Rice, Secretary of State (Feb. 17, 2005).

¹⁹ *Any Kerry Supporters on the Line?*, Time (May 2, 2005).

²⁰ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to Condoleezza Rice, Secretary of State (Aug. 1, 2005).

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week before the session, I joined Rep. Elijah Cummings in writing to urge you to follow the best available scientific evidence, including studies from the National Institutes of Health, the World Health Organization, and the Department of Health and Human Services, to support needle exchange programs as a key tool in the fight against AIDS. We requested a reply by March 4.²¹ We did not receive any response to this request.

Each of these letters was sent after careful thought and consideration, and they deserve a response. I therefore respectfully request a complete response to these four letters by April 20, 2007.

Conclusion

Our system of government is based on checks and balances. Congress has an obligation to ask tough questions of the Executive Branch, and the Executive Branch has an obligation to respond. Refusing to allow officials to testify before Congress, as the Department did in the case of Ambassador Timothy Carney on February 6, 2007, or ignoring congressional requests for information, as you apparently ignored my inquiries, are not consistent with our constitutional system of government.

I realize that there are great demands on your time and that your preference may be to not revisit the issues the Committee is raising. But the fact that four years has passed since my March 17, 2003, letter does not lessen the obligation you have to respond or Congress' responsibility to conduct competent oversight. Just the opposite is true. The long delay in responding makes it even more important that you provide the Committee a complete response to these legitimate and important inquiries.

For these reasons, I urge you to reconsider your approach and to provide complete responses to the Committee's inquiries.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member

²¹ Letter from Rep. Henry A. Waxman, Ranking Minority Member, House Government Reform Committee, to Condoleezza Rice, Secretary of State (Mar. 2, 2005).